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February 22, 1977

REPORT ON SENATE BILL 501

VEHICLE LAWS -- CITATION AND ARREST

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INTRODUCTION

Senate Bill 501 is the work product of a Special Committee of the Commission to Revise the Annotated Code, appointed by the Hon. William S. James, Commission Chairman, to study the laws relating to citation and arrest under the Maryland Vehicle Law.

This initiative was taken because the Commission found that - in the context of the formal nonsubstantive revision of the proposed new Transportation Article (H.B. 104 and S.B. 40, 1977 Session of the General Assembly) - it was unable to properly address the several substantive problems found to exist in the laws on citation and arrest. After working extensively with various experts in the field (including representatives of the Motor Vehicle Administration, the Maryland State Police, and the Judiciary), it became clear that the difficulties are not merely academic. The relevant present provisions of the law have been the cause of considerable uncertainty among the law enforcement agencies charged with their enforcement and the Motor Vehicle Administration and Judiciary who implement and administer them. Thus, Senate Bill 501 is presented to the General Assembly as

a substantive proposal separate from Senate Bill 40 and House Bill 104 so that the issues involved can be more clearly and carefully considered by the legislature.

The Special Committee was chaired by Commissioner Bruce C. Bereano, Esquire, of Anne Arundel County, and consisted of Commissioner Franklin Olmsted, Esquire, of Charles County, and Commissioner John Paul Rogers, Esquire, of Baltimore City. Assisting the Committee and fully participating in all of its deliberations in an advisory capacity were William T. S. Bricker, Deputy Administrator of the Motor Vehicle Administration; Margaret Kostritsky, Chief Clerk of the District Court of Maryland; 2nd Lt. Edward W. Lennox, Assistant In Service Training Officer, Maryland State Police; Emory A. Plitt, Esquire, Assistant Attorney General and Counsel, Maryland State Police; 2nd Lt. Norman H. Tooren, Planning Research and Inspection Division, Maryland State Police; Thomas Wideman, Motor Vehicle Administration Liaison Officer; and 1st Sgt. John E. Glorioso, In Service Training, Maryland State Police. Dennis R. Robin, Assistant Revisor of the Commission to Revise the Annotated Code participated in the Committee's deliberations and ably performed all staff work. Avery Aisenstark, Director of the Code Commission, and Alan H. Murrell, State Public Defender, participated in the final review of the Committee's proposal.

The Special Committee is grateful for the assistance of Marie Marangoni, Editor of the Code Revision Commission Staff, and the entire Code Revision Commission Staff, without whose capable assistance it would have been impossible to produce the numerous drafts that were studied in the process of preparing this legislation.

In general, the problems the Special Committee confronted were the following:

(1) Internal conflicts in regard to whether, under certain circumstances, an arrest was mandatory;

(2) Inapplicability to Maryland law of certain provisions that were adopted from the Uniform Vehicle Code model;

(3) Failure of statutory provisions concerning arrest to make clear their reliance on unstated premises that they are intended to either complement or modify the general law of arrest under Article 27, §594A of the Code; and

(4) Convoluted, conflicting, and poorly organized statutory provisions that - while corresponding to the structure of the Uniform Vehicle Code - create confusion and misunderstanding as to the meaning and application of the law.

It is stressed that an appreciation of the problems that exist in the present law and of the solutions proposed in Senate Bill 501 cannot be obtained only by examination of any one of the proposed statutory provisions in isolation. In light of the overall difficulties found in the present law, an evaluation of the recommended changes must be made in the context of the proposed, substituted scheme, in its entirety. In addition, it is emphasized that the proposals in this legislation find their basis in present law and practice.

Only certain provisions of Subtitle 26 as it now appears in Senate Bill 40 are proposed for change in Senate Bill 501. Subtitle 1 (Vehicle Laws - Parties and Procedure on Citation, Arrest, Trial, and Appeal), and Subtitle 3 (Parking Ordinances and Regulations) are not in any way changed by Senate Bill 501. Only Subtitle 2 in its entirety (Citation and Arrest) and two sections of Subtitle 4 (Venue, Court Procedure, Bail, and Charging Documents) are affected by Senate Bill 501.

In addition, Senate Bill 501 includes changes of several present sections of other articles of the code for nomenclature and internal cross referencing purposes.

#### DISCUSSION OF PROVISIONS OF SENATE BILL 501

1. Proposed §26-201, "Authority to Charge; Issuance of Traffic Citations."

Proposed §26-201 revises and expands on the provisions of present §§26-205 and 26-206\*. The significant distinctions are as follows:

Proposed §26-201 provides in a clear fashion the power for a police officer to charge a person, for all of the specified offenses, on the basis of probable cause. All such charges must be made on a written traffic citation.

There was concern among the Committee members as to whether the "probable cause" standard applies to all of the enumerated offenses in the present law. The Special Committee believes that the law could be simplified greatly by clearly setting forth this one standard for allowing the issuance of traffic citations.

The proposed section no longer speaks of a "promise to appear". In actuality the police and the court are not concerned with the promise of the charged person. The concern rather is with the person's acknowledgment of receipt - for evidentiary purposes - that the citation, in fact, was issued to the person named as defendant. Thus, the bill proposes, to speak of the signature requirement as a requirement to acknowledge receipt. See proposed subsection(c)(7).

\* For ease in reference, we have referred to the Transportation Article provisions as "the present law" even though as of this date Senate Bill 40 has not been enacted.

Also noteworthy are the new provisions of proposed subsection (c)(8), which require that a traffic citation contain:

"... a clear and conspicuous statement that:

(i) the signing of the citation by the person [charged] does not constitute an admission of guilt; and

(ii) the failure to sign may subject the person to arrest...."

Although presently there is no statutory requirement corresponding to item (i), the form now in Statewide use does provide a similar statement to the effect that signing is not an admission of guilt. Thus, item (i) is proposed to make that statement a requirement of law; and, since the statement currently used is printed in extremely small type and couched in rather legalistic terms, item (i) would require that it be both clearer and more conspicuous than it now is.

Item (ii) of subsection (c)(8) is proposed to coordinate with §§ 26-202(a)(5) and 26-203 of this bill. Together these provisions are of central import to the proposed scheme. Those provisions are discussed in detail at a later point in this report. Suffice it to say at this point that item (ii), together with item (i), is intended to provide fundamental fair notice to the public and to assist the charging officer by alleviating the typical circumstances that lead to aggravated confrontations. The other provisions as to contents of the citation are similar to present law.

## 2. Proposed §26-202, "Power of Arrest."

As to proposed §26-202 and similar sections throughout this bill, the use of the word "arrest" must be viewed as limited and qualified. It is used only to denote the formal process by which an individual is detained for a prolonged period of time and under which the person is transferred from one place to another in order to appear before a

District Court Commissioner. The Special Committee recognized that it is possible for an arrest to be consummated under less formal circumstances: e.g., when, under certain circumstances, a police officer detains an individual for questioning. Research indicates that the issue of whether or not an arrest has been made in a given case is a question decided by the courts on a case by case basis. This approach is retained and in the proposed section, the term's use is not intended to imply in any manner that a police action of any other nature does or does not constitute an arrest as a matter of law. Accordingly, the Special Committee proposes adding to the published law a revisor's note that would state, in effect:

"In this section, the word 'arrest' is used only to denote the formal process by which: (1) a police officer intends to take a person into custody and detain him for a protracted period of time; and (2) the police officer is required to take the person before a District Court Commissioner. This limited usage does not imply that a lesser police action does not constitute an arrest as a matter of law. Available authority indicates that each incident must be determined on its own merits."

Proposed §26-202 is derived essentially from the provisions of §§ 26-201, 26-202, 26-203, and 26-204(a) through (c). The present provisions are so verbose and disjointed that the vastly simplified proposed section may appear to be more different in content than is actually is.

However, the new section does effect one possible change in substance insofar as it proposes to resolve an ambiguity that was found to exist in the present law regarding whether or not the present provisions are intended to require that an arrest is mandatory under certain circumstances. An analysis of this somewhat intricate problem as it relates to the current provisions in Art. 66 1/2, Subtitle 16 is as follows:

Sec. 16-105(a) provides that, on the basis of probable cause, a police officer may make an arrest for any of the listed offenses. However, §16-105(b) provides exceptions for the 'offenses designated in (its) paragraphs (5) and (6)'. Under this exception, police action for these two offenses is supposed to be as provided in §16-107. Sec. 16-107 uses the word 'shall' rather than 'may' to require that a suspect either be arrested or released on the issuance of a citation.

The two offenses listed in §16-105 for which police action is controlled under §16-107 are less serious in nature than the other listed offenses. It seems apparent that §16-105 prohibits the issuance of a citation, in lieu of arrest, for the several more serious offenses listed. Aside from the limited applicability of the cross-reference from §16-105 to §16-107, this conclusion is supported by the recognition in §§ 16-110 and 16-112 of the distinction between the two classes of offenses listed in §16-105 and the different police action appropriate for each class. See especially §16-110 which, under the circumstances stated, allows the issuance of a traffic citation (in lieu of arrest) for any violation other than 'felonies and those offenses enumerated in paragraphs (1), (2), (3), and (4) of subsection (a) of §16-105....'

This cross-reference clearly draws a sharp distinction between the two less serious offenses listed in §16-105 (a)--for which the issuance of a citation is permitted by virtue of the cross-reference to §16-107--and these four more serious offenses.<sup>1</sup>

Assume that issuance of a traffic citation is not an appropriate alternative for the several more serious offenses enumerated in §16-105(a). Is it not an anomaly to provide that for the most serious vehicle offenses a police officer 'may' arrest a suspect, but if he declines to do so, he may not--as an alternative--issue a traffic citation, while in the same sections providing that for two less serious offenses, the police officer 'shall' either arrest the suspect or release him on issuance of a citation. Surely it is not the intent of the law to make the only choice for the most serious offenses one between arrest and no action whatever, while for less serious offenses requiring that the officer either arrest or issue a citation to the suspect--but in no event releasing him without the issuance of a citation.

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<sup>1</sup> §16-105(a)(7) was added by Ch. 534, Acts of 1970. By inadvertence, the cross-references in §16-110 were not conformed.

The Special Committee believes that a certain logic can be found in the present law if the word "shall" is substituted for "may". However it was recognized that any position assumed would appear to call for substantive change. It therefore is concluded that the better policy is to avoid stating any of the arrest provisions in mandatory language. Thus, in the introductory phrase of proposed §26-202(a): "[A] police officer may arrest. ..." At the same time, proposed §26-201 would allow the issuance of a traffic citation - without an arrest - for all vehicle violations.

Subsections (a)(1) through (a)(4) of proposed §26-202 set out rules for arrest that now exist, ever so unclearly, for most vehicle offenses. The present provisions take for granted that the Code user is aware of the unstated premises that they are intended either as adoptions or modifications of the general law on arrest, recently codified in Art. 27, §594B of the Code. The Special Committee believes this present lack of explicitness is confusing and, therefore, has restated in proposed §26-202 portions of the language of the Art. 27, §594B provisions where applicable.

Proposed subsection (a)(1) is composed of two of the rules presently found in §26-203(2) and (3). For the offenses listed, a police officer may make an arrest if he has "viewed" the violation.

Proposed subsection (a)(2) is derived from present §26-203. It allows a police officer to make an arrest for any "on view" violation, but only if the specified special circumstances exist.

Subsection (a)(3) allows a police officer to make an arrest on the basis of "probable cause" if the offense is one of the very serious offenses enumerated. With the exception of the situations specified under subsection (a)(4) and (5), these several offenses are the only



ones for which "probable cause" would be an adequate basis for making an arrest for a vehicle offense.

Proposed subsection (a)(4) is derived from present §26-204(b). It allows a police officer to arrest a nonresident if the officer has probable cause to believe that a violation by the nonresident contributed to an accident.

Proposed subsection (a)(5) is one of the two provisions under which a police officer may arrest a person who refuses to acknowledge receipt of a traffic citation. Specifically, this subsection allows a police officer to arrest a person for the original offense if that person refuses to acknowledge receipt of a traffic citation.

This provision must be viewed in perspective with the fundamental concept that underlies the entire scheme of this bill. Essentially adopted from present law, that concept provides that, generally, the issuance of a citation to and release of a person is the proper police action for a violation of a vehicle law. It further provides that an arrest may be made under certain limited circumstances. Those circumstances fall into two classifications. The first is that an arrest is permissible for certain very serious violations. The second classification is composed of those situations in which it appears that the citation procedure if employed, might be frustrated; e.g., the person does not provide adequate identification to assure that the correct person is named on the citation, or the officer has reason to believe that the person will disregard a traffic citation.

The basis for proposed §26-202(a)(5) also falls among the second classification of circumstances that permit an arrest. Under §26-201 of the bill, it becomes clear that the signature of the person charged is no more than an acknowledgment of receipt, as well as assures that the person is given adequate notice of this limited effect. The

Committee believes that after the officer makes the required request and advises the person of the possibility of arrest, a person should not be allowed to frustrate the citation procedure by refusing to acknowledge receipt. Therefore, subsection (a)(5) provides one of the two possible consequences proposed for refusal to acknowledge - it subjects the person to arrest on the original charge made in the citation.

Proposed subsections (b) and (c) of §26-202, relating to the manner of arrest and to the requirement to take an arrested person before the District Court Commissioner, essentially are restatements of the present law. See present §26-201(b) and (c).

3. Deletion of present §26-202.

The bill deletes as obsolete the provision of present §26-202. That provision, which allows a person to demand to be taken before a District Court Commissioner, is an anachronism specifying a right that no longer has meaning. After the creation of the District Court System in 1971 the term "District Court Commissioner" was substituted in this section and throughout the Code for all references to "magistrates" and "Justices of the Peace". A District Court Commissioner, however, does not have the power of his predecessors to determine the disposition of a case. Since the purpose of this section is to allow an individual who has not been arrested an immediate disposition of certain traffic cases, it is meaningless to give that individual a right to demand an appearance before a District Court Commissioner who cannot determine such cases.

4. Proposed §26-203, "Signature of Person Charged Required on Citation."

Proposed §26-203 sets out the requirement that a person acknowledge receipt of a traffic citation. It is necessary to affirmatively require this in order to correlate with the provisions of proposed

§§26-201 or 26-202.

To accommodate those persons who are unable to sign the acknowledgment, the section provides an exemption in subsection (a)(2), and, in addition, in subsection (c), the actual requirement to sign is set forth from the perspective of prohibiting a person from refusing to sign -- rather than simply making it an unqualified requirement to sign.

Proposed §26-203(b) and (c) provides a process that must occur before a person may be arrested under the section.

Proposed §26-203(c) also makes it clear that refusal to sign the acknowledgment is a separate offense from the original offense charged and that the police officer may arrest a person who refuses to sign for violation of this section, the original charge, or both.

5. Proposed §26-204, "Compliance with Traffic Citations; Powers of the Court Noncompliance."

Proposed §26-204 is essentially a restatement of present §26-207. The section no longer speaks of compliance with a person's promise to appear but rather, speaks more directly to compliance with the citation.

Subsection (a), provides an affirmative requirement that a person charged comply with the notice to appear contained in a traffic citation. Subsection (b) provides alternative means of compliance.

Proposed subsections (c), (d), and (g) set forth the powers of the Motor Vehicle Administration and the District Court regarding a person who fails to comply with a traffic citation. With the exception of those provisions relating to the issuance of warrants and the use of the new term "penalty deposit", these provisions are merely restatements of the present law.

Subsections (c)(1) and (f), pertaining to the issuance of warrants, are new provisions that rectify an omission made by Ch. 439, Acts of 1974, which enacted the last version of Art. 66-1/2, §16-113 (since superseded by the Transportation Article, §26-207). The following editor's note now is included in the Maryland Annotated Code under §16-113:

"Section 3, Ch. 439, Acts 1974, provides that '[t]he provisions of this act shall be regarded as supplemental and additional to the powers and authority conferred by other laws upon the District Court and State Motor Vehicle Administration and shall not be regarded as in derogation of any powers now existing of the District Court or State Motor Vehicle Administration.'"

The power to issue a warrant is one of those powers that existed prior to the enactment of Ch. 439. Even aside from the above quoted provision of Ch. 439, the Special Committee believes that the District Court presently has the power to issue warrants for those persons who disregard traffic citations. Therefore, the Committee proposed subsection (c)(1), which provides a specific statement of the power of the District Court to issue warrants for these persons.

Proposed subsection (f) coordinates the power to issue the warrants with the mechanics of the program for suspending driving privileges by providing a limitation on the power to issue the warrants. This limitation is intended to provide a degree of fairness to a person who, under the "suspension program", has received a notice that he has until a certain date to comply. The Special Committee felt that it would be unfair for the District Court to issue a warrant under the provisions of this section during the period provided for a person to comply.

6. Proposed §26-205, "Nonresident Motor Carrier Citation Program."

Proposed §26-205 is derived from present §26-204(d) through (f). However, the provisions are rewritten to cure certain fundamental defects in the original drafting.

The program provided for in this section is intended to provide the citation procedure as an alternative to arrest for nonresident commercial drivers who are charged with certain violations of the Maryland Vehicle Law. In practice, in the absence of such a program, when nonresident truckers are charged, they generally are subjected to arrest in order to protect the monetary interests of the State.

The Special Committee has coordinated the program with the rest of the Code, made changes in conformity with the actual limited application of the program, and, for clarification, modified the prospective from which the provisions are written.

For those who would like to pursue the Special Committees recommendation in detail, we invite your attention to a statement of the problems as specified in the following excerpts from an early Code Commission draft, dated August 2, 1976, of these same provisions as they originally appeared in Art. 66 1/2, §16-108(d) through (f):

"Sections 16-108(d) through (f) were added to the Code by Ch. 187, 1967 Laws of Maryland. They represent a compromise worked out by certain major nonresident trucking firms and the Truck Weight Enforcement Division of the Maryland State Police. While the provisions have been implemented and presently are serving a practical purpose, an analysis of the language demonstrates that the subsections do not say what was intended, nor what the administrators presently interpret them to mean. Furthermore, these subsections appear to have been legislated on a misconceived premise relating to the status of the law.

I. On the face of present §16-108(d) there appears to be imposed a statutory prohibition against certain trucking firms availing themselves of the privilege of the citation process in lieu of arrest, unless they have made an application under this section.

It was never intended that this subsection, itself, be prohibitory in effect. It was not intended to be a qualified requirement that an arrest be made. To the contrary, the proponents of this provision assumed that in the absence of these provisions the vehicles involved necessarily would be impounded and the driver arrested as a matter of law.

Subsection (d) was conceived to provide for an exception to what was otherwise considered a mandatory arrest procedure. However, while it is true that as a matter of practice such drivers were arrested -- the arrests in fact were discretionary under the authority of present §16-107(1).

On its face, present subsection (d) appears to permit certain trucking firms to accept citations after they have been approved to participate in the program. The implication is very strong that they may not accept a citation if they have not been approved. In fact, there never was any prohibition against the trucking firms accepting a citation when one was offered, and §16-108(d) actually was not intended either to prevent a trucking firm from accepting one when it was offered by a police officer, nor to affirmatively grant to the trucking firm the right to accept a citation.

The issue was never conceived to be whether a person may accept a citation -- but rather whether the officer may issue one. As already pointed out, even this issue was misconceived because within the statutory scheme the real issue is whether the officer, within his discretion, should or should not rely on the citation process.

The only type of provision that would conform to the actual statutory scheme is one that ties into the provision of present §16-107. It is this provision that provides the discretionary authority to arrest the nonresident trucker. The authority arises from the fact that the vehicle is from another state

and this, in practice, is considered to be 'reasonable and probable grounds to believe the person will disregard a written promise to appear in court' (i.e., disregard the citation). Given that the intent of subsection (d) is to give the trucking firms a technique for avoiding this normal procedure, perhaps that purpose can be achieved by language that addresses itself to presumptions that can be made by a police officer regarding a truck belonging to an 'approved' firm. In other words, the fact that a trucking firm has applied and has been approved to participate in the program and thus has assured its compliance with Maryland traffic citations at the risk of forfeiting its operator's bond, registration, and operating privileges under the Road Tax on Motor Carriers Act, could be a basis for countering the normal presumption that the citation will be disregarded.

II. Not to leave these problems as merely complicated, there are further problems associated with present §16-108(d) through (f). Presently, the only police department that employs these subsections is the Maryland State Police, and the only personnel within the State police who apply the subsections are those assigned to the Truck Weight Enforcement Division. Furthermore, the subsections are employed almost exclusively for violations of the 'size, weight, and load' subtitle. While the authorities are not all together consistent on this point, it seems that the provisions were intended to be applied only in this limited manner.\*

The problem with this limited application is, of course, that the present statute specifies no such qualifications. There is nothing in the statutory language to limit its use to the State Police, much less to the Truck Weight Enforcement Division.

While it is true that the current practice is not in compliance with the statute, it clearly is compatible with the intent of the statute."

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\* It is the weight violations in particular that are especially applicable to commercial trucks, and that give rise to the practice that these subsections are meant to modify. The individual penalties for these violations run into the thousands of dollars. If a citation is issued to a driver of a nonresident truck in violation of the weight limits, and in order to avoid the fine, the citation is ignored, the State loses substantial revenue. Thus, there is an extra basis for not allowing the truck to proceed. (As was mentioned above, there was in fact a popularly held misconception that the driver must be held.)

The following significant changes are made in the Special Committee's proposal.

(1) In subsection (a) the definition of "commercial motor vehicle" and "motor carrier" are new. They are added to coordinate with the remainder of the Code and do not represent a substantive change.

(2) In subsection (c)(2) the provisions in item (iv) are added to allow the State Police to limit the application of the program.

Subsection (d) is rewritten from the perspective of the police officer's duty rather than that of the driver's ability to accept a citation. The provisions now are coordinated with the existing power that a police officer would have to justify the arrest of a nonresident.

7. Proposed §26-405.1, "Disposition of Penalty Deposit."

The term "penalty deposit" is introduced first, without elaboration, in proposed §26-204(c)(2)(ii). It then is used in proposed §26-405.1. These two provisions should be read in concert.

The purpose of these provisions is to recognize and codify for the first time a procedure used in dealing with persons who have failed to comply with traffic citations. In practice, this procedure has been in effect for years.

Presently, the District Court uses the rather ambiguous term "collateral" in reference to the procedure which term is a misnomer. Essentially, this procedure permits the District Court to accept a sum of money from a person who has failed to comply with a traffic citation, thus avoiding the necessity of arresting the person. Depending



on the ultimate disposition of the case, the sum of money may be forfeited, applied to any fine charged, or returned to the person.

Proposed §§26-204(c)(2)(ii) and 26-405.1 simply substitute the new term "penalty deposit" for "collateral" and codify the present practice, described above. The term "penalty deposit" is used as a more appropriate term to refer to the nature and purpose of the money put up by the person and accepted by the District Court.

8. Proposed Amendment of Present §26-402(a).

The amendment to proposed §26-402(a) was intended simply to change the cross-references in that subsection to correspond with the new citations in this bill.

The change proposed does not reflect the change made in the Transportation Article bill, Senate Bill 40, that is, the addition of "reckless driving" as one of the serious offenses excluded from the provisions of present §26-402(b), which, under certain circumstances, provides for the release of a defendant if a District Court Commissioner is not available. The proposed addition of a reference to that offense was explained in the revisor's note to §26-402, as contained in Senate Bill No. 40, First Reader, as follows:

"REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §16-112.

In subsection (a) of this section, a reference to §26-201(a)(7) is added. Present §16-105 was amended by Ch. 534, Acts of 1970, to add a new subsection (a)(7) - 'reckless driving' - to the list of enumerated offenses. By inadvertence, the cross-references in §16-112 were not conformed. The added reference here corrects the oversight."

The General Assembly decided to retain the narrower scope of the exceptions as they appear in Art. 66 1/2 and amended out the reference to "reckless driving". This decision was made subsequent to the Special Committee's own consideration of this section.

While the Special Committee certainly defers to the judgment of the General Assembly, it may be that - while inappropriate for a nonsubstantive revision as in Senate Bill 40 - the change might be acceptable, after further, more detailed, consideration in the context of this bill.

3. Proposed Amendments to Article 27, §§233 and 594B(e).

With one exception, the amendments proposed to Art. 27, §§233 and 594B(e) by Senate Bill 501 are limited to coordination of style with changes made by Senate Bill 40 and this bill.

However, the addition of item (x1) to Art. 27, §594B(e) does represent a substantive proposal.

In proposed §26-202(a), the Special Committee deleted (from the list of serious offenses for which an arrest may be made on probable cause) the present reference to "Homocide by Vehicle". While that offense exists in other jurisdictions and is enumerated under the corresponding provision of the Uniform Vehicle Code, this is not an offense under the Maryland Vehicle Law.

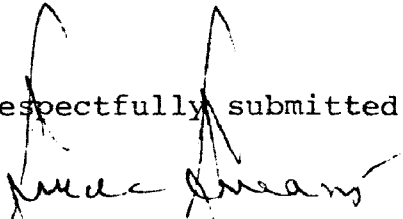
However, the essential intent of present §16-105(a)(1) is conveyed by adding a reference to Art. 27, §388, "Manslaughter by Automobile, Motorboat, Etc.", to the enumerated offenses in Art. 27, §594B(e). This allows an arrest for a vehicle "manslaughter" offense on the basis of probable cause.

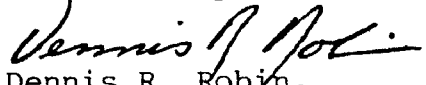
We propose adding the following revisor's note to proposed §26-202: "See Art. 27, §594B(e) of the Code for a provision that permits an arrest on the basis of probable cause for the misdemeanor of 'manslaughter by automobile, motor vehicle, motorboat, locomotive, engine car, streetcar, train or other vehicle.'"

10. Proposed Amendments to Articles 56, §153 and 81, §429.

The changes proposed for Article 56, §153 and Article 81, §429 are intended only to conform these sections to the related changes proposed for Title 26 of the Transportation Article.

Respectfully submitted,

  
Bruce C. Bereano,  
Chairman, Special Committee

  
Dennis R. Robin,  
Assistant Revisor

BCB:DRR:ldj

Report on Senate Bill 501

Vehicle Laws - Citation and Arrest

(Appendix)

Cross-Reference Table

The sections of Senate Bill 501 were derived, in whole or in part, from the present law (as found in both Art. 66 1/2, and the Transportation Article - Senate Bill 40):

<u>Section as proposed in Senate Bill 501:</u>	<u>Content partially derived from following sections of Transportation Article (S.B. 40):</u>	<u>Originally in Art. 66 1/2 as</u>
\$26-201	essentially \$26-205 with aspects covered under \$26-201(c), \$26-203, and \$26-206	\$16-109 \$16-105(b) \$16-107 \$16-110
\$26-202	\$26-201 \$26-203 \$26-204(a) - (c)	\$16-105 \$16-107 \$16-108(a) - (c)
\$26-203	(Entirely new)	
\$26-204	\$26-207	\$16-113
\$26-205	\$26-204(d) - (f)	\$16-108(d) - (f)
\$26-405.1	(Entirely new)	



MD. LEGISLATIVE REPORTS  
975.2

STATE OF MARYLAND  
COMMISSION TO REVISE  
THE ANNOTATED CODE  
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ANNAPOLIS, MARYLAND 21401  
Annapolis & Baltimore  
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TO: ALL COMMISSIONERS  
RE: 1977 LEGISLATIVE SESSION

Transportation Article

As you know, the new Transportation Article (H.B. 104 and S.B. 40) has been enacted as Chapters 13 and 14 of the Acts of 1977, effective July 1, 1977.

To advise the legal community of the Revised Article, we have contracted with The Daily Record for periodic publication of an "Announcement" in the form attached. Also, in June of this year, the Motor Vehicle Administration and the Commission staff jointly will conduct a 3-day seminar on the new State Vehicle Laws for the benefit of local law enforcement and District Court personnel.

Although new Code volumes will not be published for a few months, the text of Chapters 13 and 14 soon will be printed in Volumes 1 and 2 of the Advance Sheets, Laws of Maryland, 1977, available through the Department of Legislative Reference. Also, a fully annotated version of the Maryland Vehicle Law, as enacted by Chapter 14, should be completed by the Michie Company on or about July 1, and available through the Motor Vehicle Administration.

Miscellaneous CRC Bills

Besides H.B. 104 and S.B. 40, several other bills were introduced this year on behalf of the Commission (see attached list).

In what appears to be our first "perfect season", all 15 of these bills were passed by the General Assembly. Of particular interest--and possibly the most ambitious in terms of its substance and importance--is Senate Bill 501, which effects a comprehensive revision of the laws on citation and arrest under the Maryland Vehicle Law.

#### Review of Transportation-Related Legislation

Although time did not permit review of all legislation affecting earlier Revised Articles, the staff did monitor all proposed legislation affecting the Transportation Article.

All told, approximately 235 Transportation-related bills were introduced during the past Session: Of these, at least 20 were originally drafted by or with the assistance of the Commission staff. Of the remaining 215 bills, over 135 were found to be seriously defective or otherwise in need of amendment to conform to Revision standards. Of this 135, a total of 26 ultimately were enacted by the General Assembly; in all but 3 instances, the enacted version fully incorporated the changes suggested by the staff (for a team batting average of .885).

#### Miscellaneous Activities

During the past Session, the staff also assisted the General Assembly in various of its other activities. These included, for example, the drafting of S.B. 183, which--as an at least partial result of prior Commission recommendations--revises the two laws governing "small loans" and "consumer loans" and consolidates them into a unified "Maryland Consumer Loan Law".

#### Health and Education Articles

Although the Health Committee did not meet during the Session, staff work on the proposed Health Article continued unabated. The Committee--augmented by the participation of newly appointed Commissioner M. Albert Figinski--is expected to reconvene shortly.


In addition, work on a proposed Education Article has commenced, also with the goal of prefiling for the 1978 Session. The Education Committee, as recently appointed by Chairman James, is chaired by

Alan M. Wilner, and consists of the following Commissioners:  
Walter E. Black, Alice A. Soled, J. Michael McWilliams,  
Robert J. Thieblot, and Roger D. Redden.

"Honorable Mention"

On April 9, 1977, the State Senate adopted S.R. 500, commending the Commisison, its members, and its staff for their work in the revision of the Code, generally, and the Transportation Article, in particular. The complete--albeit not-quite-official--text of that Resolution is attached.

Respectfully submitted,

  
Avery Aisenstark

AA:ej

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# ANNOUNCEMENT

## NEW REVISED CODE ARTICLE

On

# TRANSPORTATION

*(Including State Vehicle Laws)*

The Governor's Commission to Revise the Annotated Code announces enactment of Chapters 13 and 14 of the Acts of 1977, the Transportation Article, effective July 1, 1977.

The new Transportation Article (available in the Advance Sheets, Laws of Maryland, 1977) revises, recodifies, and will supersede the provisions of each of the following Code articles, in their entireties:

Article 1A—Aviation  
Article 62B—Maryland Port Administration  
Article 62C—Maryland Airport Zoning Board  
Article 64B—Metropolitan Transit District  
Article 66½—Vehicle Laws  
Article 89B—State Roads  
Article 94A—Transportation.

In addition, the Article incorporates selected portions of Articles 25, 27, 41, 56, 78, and 81.

The Transportation Article is organized around 27 Titles. Titles 1 through 10 (enacted by Ch. 13, Acts of 1977) relate to the Department of Transportation, generally, and the laws governing transportation financing, aviation, mass transit, ports, and highways. Titles 11 through 27 (enacted by Ch. 14, Acts of 1977) contain the State Vehicle Laws, a revision of the laws presently contained in Article 66½ of the Code.

### NOTE

The 1977 General Assembly enacted several substantive amendments to the Transportation Article, independent of Chapters 13 and 14. The current Session Laws must be consulted for these enactments.

Anyone desiring additional information please contact Ralph Hughes at the Statutory Revision Division of the State Department of Legislative Reference. In Baltimore and vicinity, call 269-2861. In Washington, D.C. and vicinity call 261-1402, extension 2861. All other areas may call (301) 269-2861.



## MISCELLANEOUS CRC BILLS

1. S.B. 53: Landlord and Tenant - Lead Based Paint

Transferring to the Real Property Article provisions requiring a landlord to remove lead-based paint from certain surfaces (3 pp.).

2. S.B. 120: Real Property - Land Patent Proceedings

Modifying various provisions of the law regulating the issuance of land patents (8 pp.).

3. S.B. 501: Vehicle Laws - Citation and Arrest

Revising and modifying the laws of arrest and citation for vehicle, traffic, and related offenses (13 pp.).

4. S.B. 813: Vehicle Laws - Corrective

Correcting certain references in the Maryland Vehicle Law (2 pp.).

5. H.B. 338: Transportation Article - Cross References and Nomenclature

Correcting obsolete and inaccurate Code references to statutes and agencies included in the Transportation Article (50 pp.).

6. H.B. 352: Courts - Obsolete Provisions

Revising or repealing certain provisions in the Code rendered obsolete, inaccurate, or inconsistent by the District Court system (11 pp.).

7. H.B. 675: "Creation" of Agencies

Establishing a standard usage in the Revised Articles of the Code to express the establishment, creation, or continuation of various agencies (14 pp.).

8. H.B. 676: Estates & Trusts - Corrective

Correcting certain errors in the Estates and Trusts Article (2 pp.).

9. H.B. 677: Limited Partnerships - Name Limited

Permitting a limited partnership to use the term "Limited Partnership" in its name (2 pp.).

10. H.B. 678: Corporations - Corrective

Clarifying and correcting certain provisions in the Corporations and Associations Article (2 pp.).

11. H.B. 680: Retail Installment Sales - Corrective

Clarifying certain provisions of the Retail Installment Sales Act.

12. H.B. 780: Electric Cooperatives - Citation

Providing a statutory citation to the Electric Cooperative Act (1 p.).

13. H.B. 833: Citation of Transportation Article

Establishing a method of citation to the Transportation Article (1 p.).

14. H.B. 1334: Outdoor Advertising - Corrective

Correcting and clarifying certain provisions relating to outdoor advertising (2 pp.).

15. H.B. 1539: Vehicle Laws - Miscellaneous Prohibitions

Revising and transferring to the Maryland Vehicle Laws certain provisions of Art. 27 relating to rental vehicles and the reporting of accidents (7 pp.).

Senate Resolution

By Senators Conroy, Stone, Boyer, Cade, Denis, Dypski,  
Helton, and Hutchinson

SENATE RESOLUTION

A Senate Resolution concerning

The Code Commission

FOR the purpose of commending the Commission to Revise the Annotated Code of Maryland and its staff for their work in the revision of the Annotated Code of Maryland.

WHEREAS, The Commission to Revise the Annotated Code of Maryland was established in 1970 to undertake the first reorganization and recodification of the Annotated Code of Maryland in more than 80 years; and

WHEREAS, This important work has resulted in the enactment of the following revised Articles: Agriculture, Commercial Law, Corporations and Associations, Courts and Judicial Proceedings, Estates and Trusts, Natural Resources, Real Property, and, most recently, Transportation; and

WHEREAS, The work of the Commission has greatly benefited from the exceptional leadership of its chairman, former Senator William S. James, and the dedicated service of its members; and

WHEREAS, The work of the Commission has been greatly enhanced by the outstanding ability and dedication of its director, Avery Aisenstark, and its staff; now, therefore, be it

RESOLVED BY THE SENATE OF MARYLAND, That the Commission to Revise the Annotated Code of Maryland, its chairman, former Senator William S. James, its director, Avery Aisenstark, and its staff are hereby commended for their excellent work in the revision of the Annotated Code of Maryland; and be it further

RESOLVED, That copies of this Resolution be sent to the members of the Commission to Revise the Annotated Code of Maryland and to the members of the Commission's staff.